

REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested. Specifically, favorable consideration of pending Claims 2, 3, 5–21, 23, 24, and 26–37 is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. §103(a)

The following rejections have been made of the pending claims under 35 U.S.C. §103(a):

I. Claims 2, 3, and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fowlow (U.S. Patent 6,260,078; hereafter “Fowlow”) in view of Pekowski (U.S. Patent 6,769,126; hereafter “Pekowski”); and

II. Claims 6–21, 23, 24, and 26–37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fowlow and Pekowski, in further view of King (U.S. Patent 6,681,263; hereafter “King”).

The Applicant respectfully traverses both of rejections I and II because Pekowski fails to compensate for the acknowledged deficiency of Fowlow with regard to rejection I. Thus, the Applicant respectfully requests that both of the rejections listed above be reconsidered and withdrawn.

Specifically, it is acknowledged on page 3 of the Office Action that, with regard to independent Claim 3, “Fowlow does not explicitly teach the components are operating system components.” The Applicant respectfully submits that Pekowski does not compensate for such deficiency, notwithstanding the arguments asserted to that effect in the outstanding Office Action.

Referring back to the previous Office Action of June 14, 2005, Claims 2, 3, and 5 were similarly rejected under 35 U.S.C. §103(a) as being unpatentable over Fowlow alone, while arguing that the acknowledged deficiency would be compensated as “one of

ordinary skill in the art would conclude that the components of Fowlow are operating system components.” The Applicant responded by noting that the run-time environment described by Fowlow is hosted on top of an operating system and that, further, Fowlow fails to demonstrate that a dynamically configurable operating system would not compromise the performance integrity of the run-time environment.

Similarly, the Applicant notes that the apparatus for demand load analysis described by Pekowski is also hosted on top of an operating system. More particularly, Pekowski describes, “a method and apparatus which is implemented in an information handling system having an operating system for performing DLL demand load analysis,” (Pekowski, col. 5, lines 37 – 39; emphasis added). Thus, Pekowski suffers from the same deficiency as Fowlow, with respect to the claimed invention. That is, although Pekowski is able to implement demand loading for programs, there is no teaching or suggesting that the operating system upon which the program or even the demand load analysis tool is running is dynamically configurable, as is presently claimed. Further still, there is no teaching that, even if the operating system were dynamically configurable, the performance integrity of the demand load analysis tool and/or the program would not be compromised.

Accordingly, for at least the reasons set forth above, as well as in the Applicant’s previous Response of August 8, 2005, it is respectfully submitted that Claims 2, 3, and 5 are patentably distinguishable over Fowlow and Pekowski, both singularly and combined. Therefore, it is respectfully requested that the corresponding rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to the rejection of Claims 6–21, 23, 24, and 26–37 under 35 U.S.C. §103(a) over Fowlow and Pekowski in further view of King, it is respectfully submitted that King does not compensate for the deficiencies of Fowlow and Pekowski, both individually and in combination together, as stated above. Further, no argument to that effect is asserted in the present rejection. Thus, since the claims subject to rejection II above depend from any of independent Claims 3, 9, 12, 18, and 24, which all recite

operating system components, it is submitted that the proposed combination of references fails to render the rejected claims obvious, and therefore rejection II should be withdrawn.

Lastly, the Applicant respectfully maintains its objection to the attempted characterizations of many of the rejected claims and the accompanying generalized rejections that echo previously stated rationales. The aforementioned characterizations do not take into consideration the variations of features and scope of limitations for each of the individual claims. For surely if all of the characterizations were correct, a significant number of the pending claims would be repeats of one another. Thus, the Applicant respectfully requests that such characterizations be withdrawn.

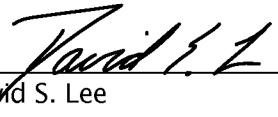
CONCLUSION

The remaining references of record have been considered. It is respectfully submitted that they do not compensate for the deficiencies of the references utilized in rejecting the pending claims.

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance. Early and forthright issuance of a Notice of Allowability is respectfully requested.

Respectfully Submitted,
Microsoft Corporation

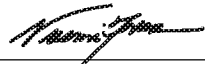
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January 25, 2006
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Noemi Tovar